



Federal Communications Commission  
Washington, D.C. 20554

04-37

January 13, 2006

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Federal Communications Commission  
Office of the Secretary

Mr. David Sumner  
Chief Executive Officer  
American Radio Relay League  
225 Main Street  
Newington, CT 06111-1494

Dear Mr. Sumner:

This is in response to your letter dated November 30, 2005 in which you amplify on your concerns about the Access Broadband over Power Line (BPL) database, initially expressed in a letter to me of October 14, 2005, and to which I responded on November 22, 2005. You state that Section 15.615 of the Commission's rules requires the information in the database to be accessible to the public 30 days in advance of deployment. You believe that making information about BPL deployment accessible only by Zip Code, as implemented by UTC, renders the advance notification requirement meaningless and, in particular, would not allow for prior consultation between BPL providers and licensed operations as discussed in the *Report and Order* by which these rules were adopted, at paragraph 75. You also ask that the Commission require UTC to make available to the public a list of Zip Codes and the date of the most recent data entry for each, in order to make advance notification meaningful in your view.

Additionally, you cite an example where a BPL test area is located partly in two zip codes and queries to the database returned a positive answer for one zip code but not for the other. You point out that the response in the second case is an "error message" asking the party for "written details concerning the nature of the interference and [your] licensed operations, including the location (complete address and coordinates), frequencies of operation, the type of operation (mobile or fixed) and a brief description of the interference." You assert that UTC has no authority to request this information to get BPL deployment information, a situation which would not occur if the database were appropriately accessible.

As I explained in my letter of November 22, 2005, Section 15.615 (d) clearly states that the purpose of the rule is to permit identification of possible sources of "harmful interference that is suspected to be caused by an Access BPL system." 47 C.F.R. § 15.615(d); *see also Report and Order* in ET Docket No 04-37, 19 FCC Rcd 21300, 21301(2004). Permitting individuals who are using a licensed service that operates on the same frequencies as are used by a BPL system to query for pertinent information in the geographic area of that interference fully fulfills this function.

Although some parties in the rulemaking proceeding had noted that a database could provide information to facilitate prior consultation between BPL operators and authorized users, which is the discussion you reference in paragraph 75 of the *Report and Order*, the Commission did not rely on this reasoning in describing the purposes that the database would serve. (See paragraphs 85, 86 of the *Report and Order*.) Access to the BPL database by Zip Codes is in accordance with Section 15.615 of the Commission's rules, and we do not see the need for UTC to provide a list of Zip Codes and the date of the most recent data entry for each.

Your concern regarding the error message encountered where a BPL deployment covers two or more zip codes is well founded. Each zip code served by a BPL operator must be correctly identified in the database, and users should not have to enter detailed information on alleged interference in order to obtain BPL deployment information. We are copying United Telecom Council (UTC), the database manager, with this letter to notify them of this problem so they may correct it. As for UTC's request for information in the case of queries which do not yield information with respect to a given zip code, you are correct that UTC cannot require anyone to provide this information. However, it will be most difficult for UTC to investigate the possibility of information in an area for which deployment information has not been provided in the absence of such information. Although users may choose not to submit this information to UTC, this would limit the assistance that UTC may be able to provide to the BPL operator and the user.

I hope this has been responsive to your concerns. If you have further questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bruce Franca".

Bruce Franca  
Acting Chief  
Office of Engineering and Technology

cc: William R. Moroney, UTC